

 **01hr_AC-CC_ab0212_pt01**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Corrections and the Courts

Assembly Bill 212

Relating to: participation in the programming of a youth report center as a condition of a juvenile disposition, sanction, deferred prosecution agreement or consent decree.

By Representatives Miller, Walker, Bock, Ladwig, Ryba, Powers, Ott, Pocan, Staskunas, J. Lehman, Stone, Berceau and Balow; cosponsored by Senators M. Meyer, Burke, Roessler, Hansen, Risser, Huelsman, Harsdorf, Darling and S. Fitzgerald.

March 15, 2001 Referred to Committee on Corrections and the Courts.

April 18, 2001 **PUBLIC HEARING HELD**

Present: (10) Representatives Walker, Suder, Friske, Owens, Skindrud, Underheim, Balow, Coggs, Pocan and Colon.

Absent: (0) None.

Appearances for

- Rep. Mark Miller, author
- Andre Johnson, Dane County

Appearances against

- None

Appearances for Information Only

- None

Registrations for

- Sen. Dave Hansen, 30th Senate District

Registrations against

- None

May 16, 2001 **EXECUTIVE SESSION**

Present: (9) Representatives Walker, Suder, Friske, Owens, Skindrud, Balow, Coggs, Pocan and Colon.

Absent: (1) Representative Underheim.

Moved by Representative Balow, seconded by Representative Friske, that **Assembly Amendment 1** be recommended for adoption.

Ayes: (9) Representatives Walker, Suder, Friske,
Owens, Skindrud, Balow, Coggs, Pocan and
Colon.
Noes: (0) None.
Absent: (1) Representative Underheim.

ADOPTION RECOMMENDED, Ayes 9, Noes 0, Absent 1

Moved by Representative Balow, seconded by Representative Suder, that **Assembly Bill 212** be recommended for passage as amended.

Ayes: (9) Representatives Walker, Suder, Friske,
Owens, Skindrud, Balow, Coggs, Pocan and
Colon.
Noes: (0) None.
Absent: (1) Representative Underheim.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0,
Absent 1

A handwritten signature in cursive script, reading "Melissa A. Pittard", is written over a horizontal line.

Committee Clerk

Vote Record

Assembly - Committee on Corrections and the Courts

Date: 5/16/01
 Moved by: Balow Seconded by: Suder
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

AB: 212 SB: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Sub Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- ☒ Passage as amended
☐ Introduction
☐ Adoption
☐ Rejection

- ☐ Indefinite Postponement
☐ Tabling
☐ Concurrence
☐ Nonconcurrence
☐ Confirmation

Committee Member

Rep. Scott Walker, Chair
 Rep. Scott Suder
 Rep. Donald Friske
 Rep. Carol Owens
 Rep. Rick Skindrud
 Rep. Gregg Underheim
 Rep. Larry Balow
 Rep. G. Spencer Coggs
 Rep. Mark Pocan
 Rep. Pedro Colon

Aye	No	Absent	Not Voting
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Totals: _____

☐ Motion Carried

☐ Motion Failed

Vote Record

Assembly - Committee on Corrections and the Courts

Date: 5/16/01
 Moved by: Balow Seconded by: Friske
 Clearinghouse Rule: _____
 Appointment: _____
 Other: _____

AB: 212 SB: _____
 AJR: _____ SJR: _____
 AR: _____ SR: _____

A/S Amdt: 1 to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Sub Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- ☐ Passage
☐ Introduction
☒ Adoption
☐ Rejection

- ☐ Indefinite Postponement
☐ Tabling
☐ Concurrence
☐ Nonconcurrence
☐ Confirmation

Committee Member

Rep. Scott Walker, Chair
 Rep. Scott Suder
 Rep. Donald Friske
 Rep. Carol Owens
 Rep. Rick Skindrud
 Rep. Gregg Underheim
 Rep. Larry Balow
 Rep. G. Spencer Coggs
 Rep. Mark Pocan
 Rep. Pedro Colon

Aye	No	Absent	Not Voting
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Totals: _____

☐ Motion Carried

☐ Motion Failed





MAY 17 2001

WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 212

Assembly Amendment 1

Memo published: May 17, 2001

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

2001 Assembly Bill 212 permits the juvenile court to order as a disposition for a delinquency adjudication or a civil law or ordinance violation, or as a sanction for violating a dispositional order, that a juvenile report to a youth report center at anytime that the juvenile is not under immediate adult supervision (e.g., after school and on weekends). At a youth reporting center, the juvenile will participate in social, behavioral, academic, community service and other programming. A municipal court may also order a juvenile to report to a youth report center for the violation of a municipal ordinance or as a sanction for violating a dispositional order.

Assembly Amendment 1 provides that, if a municipal court orders participation in the programming of a youth report center, the municipal court must order the municipality to pay the county the cost of participation in that programming.

The amendment also provides that participation in the programming of a youth report center may be ordered only if such programming is available.

The Assembly Committee on Corrections and the Courts voted to recommend adoption of Assembly Amendment 1 [Ayes, 9; Noes, 0] and passage of Assembly Bill 212, as amended [Ayes, 9; Noes, 0], on May 16, 2001.

AS:wu;tl



FEB 07 2001



STATE REPRESENTATIVE

MARK MILLER

February 6, 2001

Dear Scott,

Re: LRB 2277, Juvenile Reporting Center

Please consider co-authoring LRB 2277 (attached) with me. This bill was drafted at the request of the administrator of the Dane County Juvenile Detention Center. It expands the sanctions available to a juvenile court to include reporting to a juvenile reporting center as an original disposition.

Dane County currently accomplishes this type of supervision through a contract with a non-profit organization. The non-profit provides a finite number of hours of reporting center type services. This supervision is not available as an original disposition. This bill allows original disposition.

Please consider co-authoring. If you prefer not to co-author, I'd appreciate your support and your recommendation of a Republican Committee member who might be willing to do so.

Thank you for your consideration.

AB 212
folder

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708
(608) 266-5342 • Fax: (608) 282-3648

E-Mail: rep.miller@legis.state.wi.us • Web Site: www.miller4wi.org

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Kathleen Malone

Chief Probation Officer - Children's Court
Youth Services Division



Scott McCallum
Governor

Jon E. Litscher
Secretary



State of Wisconsin
Department of Corrections

149 East Wilson Street
PO Box 8930
Madison, WI 53708-8930
Telephone: 608-267-3715
Fax: 608-267-3661

Eurial K. Jordan
Administrator
Division of Juvenile Corrections

MEMORANDUM

DATE: February 12, 2001
TO: Bob Margolies, Legislative Liaison
FROM: Silvia R. Jackson, Deputy Administrator SJ
SUBJECT: Youth Report Center Proposal, LRB-2277/1

AB 212
folder

You asked us to assess the draft proposal to give courts the option of using participation in a youth report center as a means of dealing with youth misbehavior. Specifically, LRB draft 2277/1 would add the option of youth report center:

- As a delinquency disposition for the juvenile court to impose [s. 938.34];
- As a possible condition of a deferred prosecution agreement or consent decree [s. 938.245 and s. 938.32];
- As a consequence for a youth found by a municipal court to have violated a civil law or ordinance [s. 938.17];
- As a consequence for a youth found by a court to be a juvenile in need of protection or services (JIPS), for example because of habitual truancy or uncontrollability [ss. 938.342, 938.343, and 938.344]; and
- As a sanction for violation of a delinquency order or an order related to truancy [s. 938.355].

Currently, many counties operate report centers for youth who participate as part of a delinquency or JIPS order, a deferred prosecution agreement or a consent decree. In these counties, juvenile court intake, the district attorney, and the court already are doing in fact what the bill would codify in terms of requesting or requiring youth to attend a report center. Report center programs include homework assistance and tutoring, treatment and self-help groups, individual and family counseling, and community service work projects. To the extent these report centers are operational and being used as contemplated in the Bill, this legislation may be seen as not of the highest urgency.

Bob Margolies
February 12, 2001
Page 2

On the other hand, adding the report center option as a condition for courts to use in dispositional orders or youth contracts (i.e., deferred prosecution agreement and consent decree) may encourage other counties to establish report centers and contribute to the spread of this effective programming option throughout the State.

It should be noted that report centers are not now used for sanction purposes. Under the Bill, youth could be required to attend a report center as a sanction for violation of a dispositional order. Providing appropriate programming for sanction youth would be a new responsibility for existing report centers, which counties might perceive as not a proper use of their resources. It is felt that the effectiveness of using a report center for sanction purposes is not of proven value. Instead, many report centers encourage youth to see participation in the report center as a positive aspect of their involvement with the court. Sanctions are imposed only when youth do not follow through on their scheduled report center activities.

Aside from this reservation about the use of report centers for sanction purposes, the Department should offer support for this Bill. It might lead to more counties setting up report centers for delinquent and JIPS youth, and spread the use of this effective treatment model. Again, it should be noted that youth around Wisconsin already participate in report center programming, despite not having this disposition codified in statute.



Gilbert, Melissa

From: Rep. Miller
Sent: Wednesday, February 21, 2001 4:58 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Miller/Walker LRB 2277--Youth Reporting Centers--Deadline March 9, 2001

TO: All Legislators

FROM: Rep. Mark Miller and Rep. Scott Walker

RE: Youth Reporting Centers

AB 212
folder

Deadline: March 9, 2001 at noon. Please call Rep. Miller's office at 266-5342.

This bill expands the sanctions available to a juvenile court to include reporting to a juvenile report center as an original disposition. Under current law, this kind of supervision is not available as an original disposition. The Youth Report Center option provided in this bill parallels the adult Day Report Centers that have proven effective in modifying adult behavior. Several counties have already implemented this procedure as a consequence of a juvenile's failure to comply with a dispositional order.

Supervision services can include social , behavior, or academic programming, community services, and other programming done by the center. Because a "reporting center" is not necessarily a specific location, its operation will vary among communities. Juveniles who have violated the law will still be fulfilling their obligation for their offense. This bill provides another option for juvenile courts when imposing a disposition.

*****A senate companion bill is being drafted by Senator Meyer's office. *****

You will be **automatically** added to his bill unless you call and direct otherwise.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose certain dispositions on a juvenile who has been adjudicated delinquent, found to have committed a civil law or ordinance violation, or found to be in need of protection or services. Dispositions permitted under current law include placement under supervision, performance of community service work, and participation in certain educational programming ordered by the juvenile court. Current law also permits the juvenile court to impose certain sanctions on a juvenile who has violated a condition of his or her dispositional order. Sanctions permitted under current law include placement in secure or nonsecure custody for not more than ten days, suspension of the juvenile's operating privilege for not more than three years or, in the case of a juvenile who is truant or habitually truant from school, one year, performance of not more than 25 hours of community service work, and home detention for not more than 30 days. In addition, current law permits a juvenile and the juvenile court intake worker prior to the filing of a juvenile court petition, to enter into a deferred prosecution agreement under which the juvenile agrees to abide by certain obligations, such as supervision, curfews, and school attendance requirements, as well tend to ensure the juvenile's rehabilitation. Similarly, current law permits a juvenile and a judge or commissioner of the juvenile court, after the filing of a juvenile court petition, but before the entry of judgement, to enter into a consent decree under which the juvenile is placed under supervision in the juvenile's home or present placement subject to certain terms and conditions established by the juvenile court.

This bill permits a juvenile court to impose as a disposition for a juvenile who has been adjudicated delinquent, found to have committed a civil law or ordinance violation, or found to be in need of protection or services, and as a sanction for a juvenile who has violated a condition of his or her dispositional order, an order requiring the juvenile to report to a youth report center after school, in the evening on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. The bill also permits reporting to a youth report center and participation in the center's programming to be included as an obligation under a deferred prosecution agreement or as a condition of a consent decree.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.



Gilbert, Melissa

From: SCady@milwcnty.com
Sent: Wednesday, March 07, 2001 4:59 PM
To: Melissa.Gilbert@legis.state.wi.us
Subject: Youth Reporting Centers

Hi Melissa.

Patti and I promised to get back to you with a reaction to LRB-2277/1 which relates to youth reporting centers. I'm sorry for the delay in responding.

I attached below a copy of the response I received from Kathy Malone, Administrator of Milwaukee County's Delinquency and Court Services Division for DHS. She says:

Hi Steve--here's a more formal response to the bill we talked about. I hope it's helpful.

Some 8 to 10 years ago, using OJA grant money, we did an RFP for a community report center. Our goal was to encourage the Juvenile Court Judiciary to release appropriate children home in lieu of holding them in detention as they awaited a further hearing. For the most part, it was designed for youth charged with delinquency offenses. We did operate the program, using grant money and some county money for two years.

The Judges were not then enamored with the concept but were willing to see if a report center that provided after school supervision would work. They initially used the program but as issues developed it was clear, that this was not the right model/vendors for us.

There were issues with the vendors but the more difficult problems were based on the the changing numbers of youth from day to day and the fact that parents did not consistently pick up their children at the same time.

This was particularly difficult as youth's parents didn't pick them up when they were supposed to so staff stayed longer than planned, raising the per child cost. We even had youth who's parents disappeared for more than 24 hours, This created not only a license issue but a placement issue since we didn't plan on sleeping youth overnight. And this was despite how restrictive the Center's planned use was.

The language in this current bill is so broad in the statute that (1) youth (both genders and all ages) with many different issues and on a variety of court orders would be thrown together, making safety, curriculum and staffing a challenge at best--but better said a nightmare; and (2) the facility would need access to emergency placement and transportation options or technically require some license for impromptu overnight stays. (There is no way the latter would occur as there's no license that would allow youth of all ages to be housed together); and (3) given the way this is written, my past experience with a similar site, and my budget issues, I would not be inclined to move existing dollars to support this. I think this is a nightmare for any provider from a cost and liability perspective.

Finally, the combining of CHIPS and delinquent youth into the same facility is now fraught with many additional problems as the State does child Welfare and the County provides delinquency services. The contractual/fiscal issues are a nightmare.

Let me know if i can provide you with some more info.





Gilbert, Melissa

From: Miller, Mark
Sent: Wednesday, March 07, 2001 5:44 PM
To: Gilbert, Melissa
Cc: Kuhn, Jamie
Subject: RE: Youth Reporting Centers

AB 212
folder

Missy,
The bill clarifies this option, currently being used by several counties through indirect means, is available to counties if they choose to make such a facility or process available. It appears that the concern is that counties will have to provide facilities if the judges assign the supervision. This was not the intent, but I'll check with LRB to see if this language sets up counties in this way.

-----Original Message-----

From: Gilbert, Melissa
Sent: Wednesday, March 07, 2001 5:15 PM
To: Miller, Mark
Subject: FW: Youth Reporting Centers

Rep. Miller,

I shared a copy of the youth report center bill with representatives from Milwaukee County just to get some feedback. As you will read below, some serious issues are raised. Would you like to set up a meeting with them to work through some of these concerns?

Thanks,
Missy
Office of Rep. Scott Walker

-----Original Message-----

From: SCady@milwcnty.com [mailto:SCady@milwcnty.com]
Sent: Wednesday, March 07, 2001 4:59 PM
To: Melissa.Gilbert@legis.state.wi.us
Subject: Youth Reporting Centers

Hi Melissa.

Patti and I promised to get back to you with a reaction to LRB-2277/1 which relates to youth reporting centers. I'm sorry for the delay in responding.

I attached below a copy of the response I received from Kathy Malone, Administrator of Milwaukee County's Delinquency and Court Services Division for DHS. She says:

Hi Steve--here's a more formal response to the bill we talked about. I hope it's helpful.

Some 8 to 10 years ago, using OJA grant money, we did an RFP for a community report center. Our goal was to encourage the Juvenile Court Judiciary to release appropriate children home in lieu of holding them in detention as they awaited a further hearing. For the most part, it was designed for youth charged with delinquency offenses. We did operate the program, using grant money and some county money for two years.

The Judges were not then enamored with the concept but were willing to see if a report center that provided after school supervision would work. They initially used the program but as issues developed it was clear, that this was not the right model/vendors for us.



Gilbert, Melissa

From: Miller, Mark
Sent: Thursday, March 08, 2001 8:06 AM
To: Gilbert, Melissa
Cc: Kuhn, Jamie
Subject: RE: Youth Reporting Centers

AB 212
folder

Missy,
Of course I will meet with the folks from Milwaukee. I forgot to include that in my prior message. Please provide Jamie in my office with contact information so she can arrange a meeting or teleconference. I assume someone from your office would like to attend, and I welcome that.

-----Original Message-----

From: Gilbert, Melissa
Sent: Wednesday, March 07, 2001 5:15 PM
To: Miller, Mark
Subject: FW: Youth Reporting Centers

Rep. Miller,

I shared a copy of the youth report center bill with representatives from Milwaukee County just to get some feedback. As you will read below, some serious issues are raised. Would you like to set up a meeting with them to work through some of these concerns?

Thanks,
Missy
Office of Rep. Scott Walker

-----Original Message-----

From: SCady@milwcnty.com [mailto:SCady@milwcnty.com]
Sent: Wednesday, March 07, 2001 4:59 PM
To: Melissa.Gilbert@legis.state.wi.us
Subject: Youth Reporting Centers

Hi Melissa.

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I attached below a copy of the response I received from Kathy Malone, Administrator of Milwaukee County's Delinquency and Court Services Division for DHS. She says:

Hi Steve--here's a more formal response to the bill we talked about. I hope it's helpful.

Some 8 to 10 years ago, using OJA grant money, we did an RFP for a community report center. Our goal was to encourage the Juvenile Court Judiciary to release appropriate children home in lieu of holding them in detention as they awaited a further hearing. For the most part, it was designed for youth charged with delinquency offenses. We did operate the program, using grant money and some county money for two years.

The Judges were not then enamored with the concept but were willing to see if a report center that provided after school supervision would work. They initially used the program but as issues developed it was clear, that this was not the right model/vendors for us.



Gilbert, Melissa

From: Miller, Mark
Sent: Tuesday, April 03, 2001 5:15 PM
To: Gilbert, Melissa
Subject: FW: AB 212

Missy, do you feel these instructions capture the concerns that emerged from our discussion with Ms Malone and Mr. Cady from Milwaukee County?

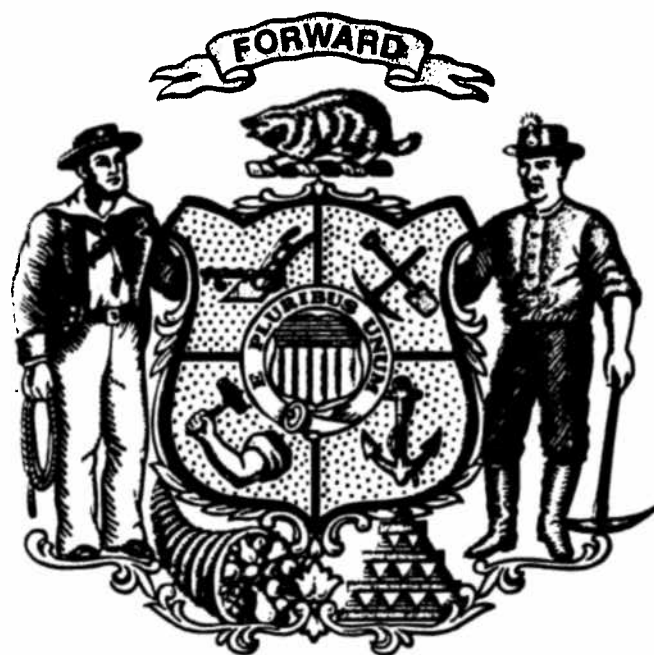
Mark

During discussions with county officials regarding AB 212 , the Juvenile Report Center bill, I'd like to amend the bill to accomplish the following:

1. Clarify that a disposition to a youth report center is subject to the availability of such a program. The concern here is that a juvenile judge may use the authority granted in this bill to force a county to create a youth report center program. The thrust of the legislation is to create the disposition in the law so that jurisdictions will consider creating such a program where it makes sense.
2. If a youth report center is a disposition by a municipal judge, (118.63) the judge shall order reimbursement by the municipality to the jurisdiction operating the youth report center . There is a similar requirement in 938.17(2)(i)4m.

Mark Miller

48th Assembly District
Capitol Room 112 North
P.O. 8953, Madison, WI 53708
608-266-5342, 608-282-3648 Fax
Rep.Miller@legis.state.wi.us



Gilbert, Melissa

From: Miller, Mark
Sent: Tuesday, April 03, 2001 6:23 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa
Subject: AB 212 amendment request

Ms Gibson-Glass,

During discussions with county officials regarding AB 212 , the Juvenile Report Center bill, I'd like to amend the bill to accomplish the following:

1. Clarify that a disposition to a youth report center is subject to the availability of such a program. The concern here is that a juvenile judge may use the authority granted in this bill to force a county to create a youth report center program. We also don't want to create a 24 hour mandate. The thrust of the legislation is to create this additional disposition in the law so that jurisdictions will consider creating such a program where it makes sense. The scope of a youth report center program offered needs to remain a local policy decision, not a judicial decision.
2. If a youth report center disposition is a disposition for a municipal offense, (118.63) the judge shall order reimbursement by the municipality to the jurisdiction operating the youth report center . There is a similar requirement in 938.17(2)(i)4m. Personally, I don't think it makes a lot of sense to mix truants with delinquents, but if the local municipalities want to use this flexibility, then the costs should be borne appropriately.

Thank you.

Mark Miller

Mark Miller

48th Assembly District
Capitol Room 112 North
P.O. 8953, Madison, WI 53708
608-266-5342, 608-282-3648 Fax
Rep.Miller@legis.state.wi.us



Gilbert, Melissa

AB 212
folder

From: Moeser, James [Moeser.james@co.dane.wi.us]
Sent: Tuesday, April 10, 2001 9:33 AM
To: 'Kuhn, Jamie'; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

This always gets more confusing to me. I know the concern Kathy started with was to consider including language that required county board approval to "create" this disposition/sanction, etc... I'm not sure that's where we ended up (but Kathy should speak to that).

As I mentioned, we are always dealing with the courts ordering things that don't "fit" in the budget, and we don't go to the county board to authorize them (with the sole exception of use of det. as a disp. or 72-hour hold).

So, I do not favor this being a requirement.

I thought the resolution of that was better left that if the program is operated by the county, that the judges could set judicial guidelines or policies that control how municipal courts may use it (requires no statutory language as they already have that authority), then require that if used by muni. courts that the municipality is required to pay.

So, I would leave in the language requiring municipalities to pay if it's a county operated program. I would delete references that require the county board to authorize it's use. I do not believe that the practice of seeking county board approval to create or authorize the court to use a particular disposition is a good one, even the detention-related restrictions. So, I could not support that aspect of the amendment...

see what others think.... particularly Kathy M., as the start of the discussion was based on that concern.

-----Original Message-----

From: Kuhn, Jamie [mailto:Jamie.Kuhn@legis.state.wi.us]
Sent: Tuesday, April 10, 2001 8:59 AM
To: Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker
Subject: Changes to Youth Reporting Bill

<<Youth Reporting Amendment.tif>>

Please let me know if these changes look like the ones we discussed.

Thanks.
Jamie

Jamie S. Kuhn
Office of Rep. Mark Miller
State Capitol
Room 112 North
P.O. Box 8953
Madison, WI 53708-8953
608/266-5342 phone
608/282-3648 fax



Gilbert, Melissa

AB 212
folder

From: Moeser, James [Moeser.james@co.dane.wi.us]
Sent: Tuesday, April 10, 2001 10:11 AM
To: 'Gilbert, Melissa'; Moeser, James; Kuhn, Jamie; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

You have a good memory...I think that makes sense, to talk about it as "if available"; that leaves it up to the counties or municipalities to develop or not as they see fit. So, I don't have a problem with that language. Thanks for reminding me of that solution....

-----Original Message-----

From: Gilbert, Melissa [mailto:Melissa.Gilbert@legis.state.wi.us]
Sent: Tuesday, April 10, 2001 9:57 AM
To: 'Moeser, James'; Kuhn, Jamie; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

I know that we discussed the fact that counties already have to deal with court orders for which the counties do not have resources, but I don't think we want to compound that problem. In fact, I think the inadvertant creation of another "backdoor mandate" could doom the bill. Instead, I thought we talked about attaching the language "if available" to the disposition for both counties and municipalities. Would that be more acceptable?

Any other ideas?

-----Original Message-----

From: Moeser, James [mailto:Moeser.james@co.dane.wi.us]
Sent: Tuesday, April 10, 2001 9:33 AM
To: 'Kuhn, Jamie'; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

This always gets more confusing to me. I know the concern Kathy started with was to consider including language that required county board approval to "create" this disposition/sanction, etc... I'm not sure that's where we ended up (but Kathy should speak to that). As I mentioned, we are always dealing with the courts ordering things that don't "fit" in the budget, and we don't go to the county board to authorize them (with the sole exception of use of det. as a disp. or 72-hour hold).

So, I do not favor this being a requirement.

I thought the resolution of that was better left that if the program is operated by the county, that the judges could set judicial guidelines or policies that control how municipal courts may use it (requires no statutory language as they already have that authority), then require that if used by muni. courts that the municipality is required to pay.

So, I would leave in the language requiring municipalities to pay if it's a county operated program. I would delete references that require the county board to authorize it's use. I do not believe that the practice of seeking county board approval to create or authorize the court to use a particular

disposition is a good one, even the detention-related restrictions. So, I could not support that aspect of the amendment...

see what others think.... particularly Kathy M., as the start of the discussion was based on that concern.

-----Original Message-----

From: Kuhn, Jamie [mailto:Jamie.Kuhn@legis.state.wi.us]

Sent: Tuesday, April 10, 2001 8:59 AM

To: Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; 'kmalone@milwcnty.com'; Rep.Walker

Subject: Changes to Youth Reporting Bill

<<Youth Reporting Amendment.tif>>

Please let me know if these changes look like the ones we discussed.

Thanks.

Jamie

Jamie S. Kuhn
Office of Rep. Mark Miller
State Capitol
Room 112 North
P.O. Box 8953
Madison, WI 53708-8953
608/266-5342 phone
608/282-3648 fax



Gilbert, Melissa

From: Miller, Mark
Sent: Tuesday, April 10, 2001 7:14 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa; Kuhn, Jamie; Sen.Meyer
Subject: FW: AB 212 amendment request

Ms. Gibson-Glass,

Thank you for drafting the amendment to AB212 . The amendment, LRB a393/1, requires the county board to adopt a resolution authorizing the use of a youth reporting center before it can be used as a disposition. I anticipate that this programming may become available through means other than action by a county board. The youth report center program in Dane County was not created by action of the Dane County Board, except indirectly through approval of the Human Services budget for a contract for services.

I would prefer that the check on judicial authority to order juveniles to a program that may not exist be done by saying "subject to the availability of such programming," or words to that effect.

This could be accomplished by (referencing LRBa393/1):

1. Page 1, delete lines 2 through 13.
2. On page 3, line 1, replace "...adoption of a resolution...deferred prosecution agreement" with "...availability of programming."
3. Repeat 2, above, for all the subsequent sections of the amendment.

I will be in and out Wednesday until early afternoon, depending on the length of Natural Resources Committee Public hearing. If you need to confer with me before proceeding with these changes, please call Jamie in my office. She will retrieve me so I can clarify any questions.

Mark Miller
6-5342

-----Original Message-----

From: Miller, Mark
Sent: Tuesday, April 03, 2001 6:23 PM
To: Gibson-Glass, Mary
Cc: Gilbert, Melissa
Subject: AB 212 amendment request

Ms Gibson-Glass,

During discussions with county officials regarding AB 212 , the Juvenile Report Center bill, I'd like to amend the bill to accomplish the following:

1. Clarify that a disposition to a youth report center is subject to the availability of such a program. The concern here is that a juvenile judge may use the authority granted in this bill to force a county to create a youth report center program. We also don't want to create a 24 hour mandate. The thrust of the legislation is to create this additional disposition in the law so that jurisdictions will consider creating such a program where it makes sense. The scope of a youth report center program offered needs to remain a local policy decision, not

a judicial decision.

2. If a youth report center disposition is a disposition for a municipal offense, (118.63) the judge shall order reimbursement by the municipality to the jurisdiction operating the youth report center . There is a similar requirement in 938.17(2)(i)4m. Personally, I don't think it makes a lot of sense to mix truants with delinquents, but if the local municipalities want to use this flexibility, then the costs should be borne appropriately.

Thank you.

Mark Miller

Mark Miller

48th Assembly District

Capitol Room 112 North

P.O. 8953, Madison, WI 53708

608-266-5342, 608-282-3648 Fax

Rep.Miller@legis.state.wi.us



Gilbert, Melissa

AB 212
folder

From: KMalone@milwcnty.com
Sent: Thursday, April 12, 2001 4:40 PM
To: Gilbert, Melissa
Cc: 'Moeser, James'; Kuhn, Jamie; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

Hi all--thanks for letting me see the proposed changes. I was about to send comments about the first draft when i saw the second draft. Jim really hit on the only issue I had some concerns about with the first--the authorization by the County Board. I would not ever want to have to get Board authority to implement a program. I'm very pleased to see the new language in draft #2

I'm sure you've all noticed--the reference to the schools remains in the legislation as does the references to all the many populations of youth identified in s. 938--with the exception of JIPS youth. If Jim needs that amount of flexibility or you think someone else will--it is there.



Gilbert, Melissa

AB 212
folder

From: Moeser, James [Moeser.james@co.dane.wi.us]
Sent: Friday, April 13, 2001 7:53 AM
To: 'KMalone@milwcnty.com'; Gilbert, Melissa
Cc: Moeser, James; Kuhn, Jamie; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

Just to follow up on Kathy's point, my own interests really relate solely to kids adjudicated delinquent. I don't think JIPS, truant, and other municipal violators should be mixed in any way with delinquent kids. But, if some county or collaborative of municipalities wants to create a "reporting" center for use for other reasons, I suppose this gives them the opportunity.

The original interest/intent was as a sanction and/or dispositional option for delinquent kids.

-----Original Message-----

From: KMalone@milwcnty.com [mailto:KMalone@milwcnty.com]
Sent: Thursday, April 12, 2001 4:40 PM
To: Gilbert, Melissa
Cc: 'Moeser, James'; Kuhn, Jamie; Gilbert, Melissa; 'jmoeser@co.dane.wi.us'; 'scady@milwcnty.com'; Rep.Walker
Subject: RE: Changes to Youth Reporting Bill

Hi all--thanks for letting me see the proposed changes. I was about to send comments about the first draft when i saw the second draft. Jim really hit on the only issue I had some concerns about with the first--the authorization by the County Board. I would not ever want to have to get Board authority to implement a program. I'm very pleased to see the new language in draft #2

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STATE REPRESENTATIVE

MARK MILLER

5/16/01

Missy,

This letter was distributed to each member of the corrections committee this morning. Additional letters are for distribution to any committee member, if needed.

Thanks,

Mark

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708
(608) 266-5342 • Fax: (608) 282-3648
E-Mail: rep.miller@legis.state.wi.us • Web Site: www.miller4wi.org

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STATE REPRESENTATIVE
MARK MILLER

May 16, 2001

To: Corrections and Courts Committee

Re: Assembly Amendment 1 to AB 212, Youth Report Center

Thank you for your consideration of AB 212. This bill allows juvenile courts and municipal courts to use a Youth Report Center program as an original disposition, thereby providing the courts an additional sentencing option when dealing with juvenile offenders.

Assembly Amendment 1 responds to two concerns raised by local jurisdictions. Under the amendment:

1. Courts can assign a juvenile to a Youth Report Center only if such a program is available in the community.
2. A judge who orders a juvenile to a youth report center must also order the jurisdiction to pay for the service.

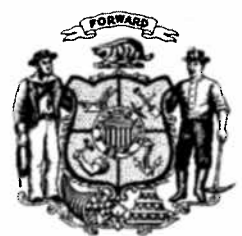
This legislation has the support of the Wisconsin Counties Association.

A handwritten signature in cursive script that reads "Mark Miller".

Mark Miller



WISCONSIN STATE LEGISLATURE





For Immediate Release
March 9, 2001

Scott Walker
Wauwatosa's Representative in the Wisconsin State Assembly

Rep. Mark Miller
Phone: 266-5342

AB 212
folder

DRAFT PRESS ADVISORY

Rep. Mark Miller, Youth and Community Leaders, Support Supervision Options for Juveniles

*County Executive Falk, District Attorney Blanchard and Juvenile Detention
Administrator Jim Moeser in Attendance*

Madison—This morning Rep. Mark Miller (D-Monona) together with community leaders and youth at the Neighborhood Intervention Program Office introduced legislation in the Assembly to provide judges another option when sentencing juvenile offenders. This bipartisan bill is being introduced by Rep. Miller and Rep. Scott Walker (R-Wauwatosa) so juvenile offenders can be assigned close supervision options other than juvenile detention. Senator Mark Meyer (D-LaCrosse) is also introducing this legislation in the Senate.

"This bill gives judges more options when working with juvenile offenders. I believe these options are essential for an effective juvenile justice system," stated Miller. Rep. Walker added, "Prompt and appropriate consequences for offenses are important influences to change behavior. This bill gives juvenile judges one more tool to provide an appropriate response in each case."

The legislation accomplishes close supervision of juveniles by requiring the juvenile to report to a specific place, usually for the weekend, in order to monitor the physical location of the juvenile as well as assure compliance with some portion of the judge's order. The reporting place could be a school, a community center, or any other appropriate place as determined by the judge and can involve community service or rehabilitative programming.

The proposal makes clear that Juvenile Court Judges have a wide range of dispositional alternatives designed to help kids get back on track. Dane County District Attorney Blanchard said, "The needs of many kids who land in the juvenile justice system are best met in supervised study or discussion groups, community service, or healthy recreation," Blanchard said. "This legislation acknowledges the legitimacy of those efforts."

"The Weekend Report Center is a sanction option that social workers should be able to utilize when a client has violated their court order. It holds youth accountable for their actions through a graduated set of consequences," stated Andre Johnson, social worker in the weekend reporting program. "Furthermore, the youth I work with benefit greatly from being in the community under proper supervision and know this is a better option than being in juvenile detention."

“Our Juvenile Detention Center operates at or over capacity on most weekends,” said Dane County Juvenile Detention Center administrator Jim Moeser. “Without clear statutory authority, we’ve had to go through the back door to get juveniles into to these programs. This bill makes it clear that judges can make this decision.”

“Many counties, including Dane County, have had success with these kinds of supervised youth report centers. It is a benefit for the youth that we use every appropriate option available in these cases. But it is also a great benefit to our county and to our community as we take a step to improve the juvenile justice system,” expressed County Executive Falk.